

**AGENDA MANAGEMENT SHEET**

**Name of Committee** Stratford on Avon Area Committee

**Date of Committee** 16th May 2007

**Report Title** Review of On-Street Parking Pay and Display Charges

**Summary** A review of on-street parking charges in Stratford on Avon District has been carried out. Cabinet will be requested to approve the introduction of these changes with effect from 1st July 2007. Area Committee is invited to comment on the proposals.

**For further information please contact** Graham Greenwood  
Project Manager – Decriminalisation of Parking Enforcement  
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grahamgreenwood@warwickshire.gov.uk

**Would the recommended decision be contrary to the Budget and Policy Framework?** Yes/No

**Background Papers** None.

**CONSULTATION ALREADY UNDERTAKEN:-** *Details to be specified*

- Other Committees  .....
- Local Member(s)  Councillors J. Dill-Russell, R. Hyde and M. Perry.  
(With brief comments, if appropriate)
- Other Elected Members  .....
- Cabinet Member  Councillor M Heatley – for information.  
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)
- Chief Executive  .....
- Legal  I Marriott – agreed.
- Finance  R Phillips – comments incorporated.

- Other Chief Officers  .....
- District Councils  Stratford on Avon
- Health Authority  .....
- Police  .....
- Other Bodies/Individuals  .....

**FINAL DECISION**                      **YES/NO**      (*If 'No' complete Suggested Next Steps*)

**SUGGESTED NEXT STEPS :**

*Details to be specified*

- Further consideration by this Committee  .....
- To Council  .....
- To Cabinet  7th June 2007.
- To an O & S Committee  .....
- To an Area Committee  .....
- Further Consultation  .....

## Stratford on Avon Area Committee - 16th May 2007

### Review of On-Street Parking Pay and Display Charges

#### Report of the Strategic Director for Environment and Economy

##### **Recommendation**

Area Committee is invited to comment on the proposed changes to the charges for on-street pay and display parking shown in Column B of Table 1 of this report to take effect from 1st July 2007.

#### **1. Introduction**

- 1.1 This report reviews on-street pay and display parking charges in Stratford on Avon District from the perspective of the objectives of the Local Transport Plan and recommends revised charges.
- 1.2 Cabinet will be asked to approve these revised charges. Any comments from Area Committee will be included in the report to Cabinet.

#### **2. Background**

- 2.1 Charges for parking on selected streets in Stratford on Avon District were introduced at the same time as decriminalised parking enforcement (DPE) in October 2004.
- 2.2 On-street parking charges are a key part of the business case for DPE.
- 2.3 There has been no adjustment to on-street parking charges since pay and display parking was introduced with the exception of the 20p charge for 30 minutes in 2005.

#### **3. Objectives in the Local Transport Plan**

- 3.1 The transport strategy for Stratford on Avon contains a number of objectives linked to DPE and on-street charging. These include:-
  - (i) Reducing traffic circulation.
  - (ii) Improving the turnover in short-stay on-street parking spaces.

- (iii) Using on-street parking charges to encourage the use of off-street car parks in preference to on-street parking.
- (iv) Using on-street charging for parking to support transport projects.

## 4. Key Principles

- 4.1 Parking charges should be set at levels which help to control demand for parking spaces (Department for Transport (DfT) guidance in Circular 1/95 para. 4.10a).
- 4.2 Charges can reflect the value of kerb space, encouraging all but short-term parking to take place in nearby off-street car parks. (DfT guidance in Circular 1/95 para. 4.10b).
- 4.3 There is a presumption that a robust business case for DPE includes charging for on-street parking (decision of County Council's Cabinet 29/11/01).

## 5. Current Problems with On-Street Pay and Display

- 5.1 "Meter feeding" – many drivers are parking for extended periods by acquiring multiple 20p half-hour tickets. This is difficult to enforce.
- 5.2 Experience gained shows that the current differential between the on-street charge for two hours (£1.50) and the off-street charge for the same period (£1.30) is insufficient to encourage drivers to use nearby off-street car parks.

## 6. Proposed Revised On-Street Charges

- 6.1 Proposed charges are shown in column B of Table 1 below, where they can be seen in comparison with existing on-street charges and with off-street charges.

**Table 1**

	<b>A</b>	<b>B</b>	<b>C</b>
<b>Period</b>	Current on-street charge	<b>Proposed on-street charge (based on pro-rata rate of £1/hour)</b>	Equivalent current off-street charge in short-stay car park
<b>20 mins.</b>	Not available	Not available	Free until 1st July 2007
<b>30 mins.</b>	20p	<b>50p</b>	Not available
<b>1 hour</b>	£1	<b>£1</b>	70p
<b>1.5 hrs</b>	Not available	<b>£1.50</b>	Not available
<b>2 hrs</b>	£1.50	<b>£2</b>	£1.30

## **7. Benefits of New Charges**

7.1 The benefits of the proposed on-street pay and display charges are as follows:-

- (i) They are simple to understand as all charges are based on a pro-rata rate of £1 per hour.
- (ii) There is no incentive to breach the regulations by “meter feeding”.
- (iii) There is no change to the charge for one hour, but the increase in charge for two hours will provide more incentive to use the off-street car parks for periods in excess of one hour.
- (iv) The new tariff will encourage greater turnover in on-street car parking spaces which will help the vitality of the town centre.
- (v) It is anticipated that the increased charges will result in an increased surplus which will contribute to the revenue subsidy required for Stratford Park and Ride.

## **8. Conclusion**

8.1 The proposed changes in on-street parking charges are consistent with the objectives of the Council’s Local Transport Plan and Cabinet should be requested to adopt them.

JOHN DEEGAN  
Strategic Director for Environment and Economy  
Shire Hall  
Warwick

3rd May 2007

**Stratford on Avon Area Committee - 16th May 2007**

**Review of Parking Policies**

**Agenda No**

**AGENDA MANAGEMENT SHEET**

<b>Name of Committee</b>	<b>Environment Overview and Scrutiny Committee</b>
<b>Date of Committee</b>	<b>26th April 2007</b>
<b>Report Title</b>	<b>Review of Parking Policies</b>
<b>Summary</b>	A review has been carried out of the County Council's parking policies. This report discusses possible changes together with a new policy on footway parking. It recommends that the draft policies be submitted to the five Area Committees and other consultees for comment and that a revised draft, taking into account the views expressed, be considered by this Committee prior to its ultimate submission to Cabinet.
<b>For further information please contact</b>	Roger Bennett Team Leader - Strategic Projects Traffic Projects Group  Tel. 01926 412648 rogerbennett@warwickshire.gov.uk
<b>Would the recommended decision be contrary to the Budget and Policy Framework?</b>	Yes/No
<b>Background Papers</b>	Existing policy documents

**CONSULTATION ALREADY UNDERTAKEN:-** *Details to be specified*

Other Committees  .....

Local Member(s)  .....  
(With brief comments, if appropriate)

Other Elected Members

Councillor K Browne }  
Councillor Mrs E Goode } for information  
Councillor Mrs J Lea }

Cabinet Member  
(Reports to The Cabinet, to be cleared with appropriate Cabinet Member)

Councillor M Heatley – for information

Chief Executive

.....

Legal

I Marriott } Comments  
S Cammish } incorporated.

Finance

.....

Other Chief Officers

.....

District Councils

.....

Health Authority

.....

Police

.....

Other Bodies/Individuals

Warwickshire Disability Forum – comments incorporated

**FINAL DECISION**

**YES/NO** (If ‘No’ complete Suggested Next Steps)

**SUGGESTED NEXT STEPS :**

*Details to be specified*

Further consideration by this Committee

Following consideration by each Area Committee – 28th June 2007

To Council

.....

To Cabinet

After further consideration by this Committee – 19th July 2007

To an O & S Committee

.....

To an Area Committee

All Area Committees during May for comment

Further Consultation

With stakeholders

**Environment Overview and Scrutiny Committee -  
26th April 2007**

**Review of Parking Policies**

**Report of the Strategic Director for  
Environment and Economy**

**Recommendation**

That the draft policy be submitted to the five Area Committees and other consultees for comment and that a revised draft, taking into account the views expressed, be considered by this Committee prior to its ultimate submission to Cabinet.

**1. Introduction**

- 1.1 A number of issues have arisen following the introduction of decriminalised parking enforcement (DPE) in Rugby Borough and during the consultations on DPE in Warwick District. These include requests to formalise footway parking in a number of residential streets in Rugby, concerns about the removal of informal disabled persons parking places in streets forming part of a residents parking scheme (RPS) and requests for various exemption parking permits.
- 1.2 In considering the appropriate way to deal with these issues officers have carried out a review of the County Council's parking policies. This report discusses the existing policies and the need for additional policies and recommends that the draft policy included as **Appendix E** be submitted to the five Area Committees for comment and that a revised draft, taking into account the views expressed, be considered by this Committee prior to its ultimate submission to Cabinet.
- 1.3 It is anticipated that when the provisions of the Traffic Management Act are implemented next year the Government will expect all local authorities to regularly review and produce annual reports on parking policies. In addition, since December 2006 all public authorities have been under a general duty to carry out their functions with regard to the need to promote the interests of disabled people in several respects, including the need to take steps to take account of disabilities even where that involves treating disabled persons more favourably than other persons. In order to give practical effect to these duties, the County Council adopted a Disability Equality Action Plan in December which includes a requirement to impact assess all new policies for disability (and other) equality.



## 2. Existing Parking Policies

2.1 The County Council's Local Transport Plan (LTP) incorporates a section on an overall parking strategy for Warwickshire. This is a high level document which does not include any detailed intervention strategies. These are contained in the following policies which are reproduced in the Appendices:-

- (i) Policy on Waiting Restrictions - Approved by Transportation Committee, June 1989 – **Appendix A.**
- (ii) Residents Parking Policy – Approved by Environment Committee, October 1993 - **Appendix B.**
- (iii) Parking Bays for Disabled People Policy – Approved by Environment Committee, May 1995 - **Appendix C.**

2.2 These policies have been reviewed and the results of the review are discussed below.

## 3. Policy on Waiting Restrictions

3.1 This policy was established at a time when there had been a considerable number of requests across the County to consider new waiting restrictions and the police were starting to allocate a lower priority to enforcement. It was designed to ensure that action would normally only be taken on important traffic routes or where there was a serious road safety issue.

3.2 Officers consider that in spite of the introduction of DPE resulting in more effective enforcement the policy guidelines are still broadly relevant and this is reflected in the revised draft policy.

## 4. Residents Parking

4.1 This policy was established in response to the growing number of requests for RPSs. These have been introduced generally in accordance with the guidelines in most of the major towns in the County except Nuneaton and Bedworth. Again officers consider that the existing guidelines are still broadly relevant. However, there have been requests for a number of additional exemption permits to be considered. These include permits for charity workers, staff of businesses in residential areas, vehicles required to carry out a business and customers of established garage businesses.

4.2 There are many competing demands for parking in residential areas. The RPS in Warwickshire recognises this and attempts to give a degree of priority to residents. For this reason the existing policy is that permits will only be available to domestic residents and that no business permits will be issued. Although it is accepted that the introduction of a RPS can have a detrimental affect on some people it is felt that the issue of a significant number of further categories of exemption permits will be counter to the scheme's objectives. However, it is felt that there is some merit in allowing a form of "Customer Permit" for established garage businesses. There have been several requests for this to be considered

from garage businesses which have insufficient off-street parking available and where there are, or where there are proposed to be, time limited waiting restrictions. The practice has been for customers to park in the street at the start of the day and for the vehicle to be returned to the street to await collection when it has been repaired or serviced. A permit for use in these circumstances would allow this practice to continue.

- 4.3 The existing guidelines have not been followed in those areas where DPE has been, or is about to be, introduced in respect of "Visitors Permits". The arrangement is that a permit is now available to any eligible household irrespective of the age of the applicant or other permits having been issued. In addition permits are now available for registered guest houses and carers.

## **5. Residential Disabled Persons Parking Places**

- 5.1 The policy agreed by the Environment Committee in 1995 established the principle that official disabled parking bays [i.e. those backed up and enforceable by a Traffic Regulation Order (TRO)] should not be provided at the home of a particular disabled person. Unofficial bays (in the form of a St Andrew's Cross in a box) have been used but not on lengths of road where other waiting restrictions are in force as they would invalidate the official restrictions and make them unenforceable. For this reason they have been removed from those streets in Rugby which are now part of a RPS and, unless there is a change in the policy, will need to be removed from the new RPS areas in Warwick District. At its meeting in January 2007 Warwick Area Committee Members unanimously agreed that everything possible should be done to avoid this.
- 5.2 The process for introducing an official disabled persons parking bay is the same as for any TRO. This involves advertising the proposal in a local newspaper, considering representations, making the order and advertising that the order has been made. The costs of advertising can often be quite high and, in addition, a sign indicating that the bay is restricted to Blue Badge holders has to be erected. The cost of providing a sign and post is over £100. If the disabled person were to move residence, consideration would need to be given to revoking the order and re-instating the original waiting restrictions. This would involve the same process as that outlined above. It is estimated that the current costs of providing an official bay and subsequently removing it if necessary, including an allowance for the administration costs, would be between £250 and £500. It would not be possible to ensure that a bay could only be made available for a particular disabled person.
- 5.3 This matter was discussed at the meeting of the Warwickshire Disability Forum in March. The Forum's view was that a new policy was needed that would give disabled residents the choice to pay for an official parking space should they require one, whatever the cost. However, the Forum agreed that this should not be at the general taxpayers expense. It was suggested that there may be funding available from a number of sources for those applicants unable to afford the full costs.

- 5.4 DPE in Warwick District is programmed for August this year. This will include the introduction or extension of the RPS in various areas. If a change of policy is agreed it is recommended that a TRO be processed in respect of all existing informal spaces in those areas affected subject to the continuing need for the facility being demonstrated. The full costs should be met by the County Council as part of the set up costs of DPE.

## 6. Footway Parking

- 6.1 As a result of the growth in vehicle ownership there is increasing pressure on the amount of on-street parking available. This is especially the case in some residential areas where a practice has developed of parking either wholly or partly on footways. As a general principle footways are for pedestrians. Where footways are obstructed by parked vehicles pedestrians, particularly wheelchair/push chair users, the blind/partially sighted and the elderly, are often forced to walk into the road. In addition vehicles parked on the footway can cause damage to kerbs, grass verges, pavements and underground utilities. Paving slabs can also be broken or dislodged which can create tripping hazards for pedestrians.
- 6.2 A summary of the legal position with regard to parking on footways is attached as **Appendix D**. There are some examples of TROs formalising footway or part footway parking in the County. They are all in locations where the footway parking does not significantly interfere with pedestrian movements. However, as there is a growing demand for similar action it is felt that there is a need for policy guidance to support this.
- 6.3 When DPE was introduced in Rugby Borough in October 2006 the opportunity was taken to extend the RPS and, in a number of streets, to prevent evening, overnight and weekend parking on footways by replacing single yellow lines with double yellow lines. As a result of representations from residents affected by this there is now strong Member support in Rugby to re-instate this facility. On the other hand there have been requests for action to ban all footway parking. This was broadly the view expressed by the Warwickshire Disability Forum at its meeting in March. There was also a comment that where there is sufficient width to accommodate both pedestrians and parked vehicles the carriageway should be widened rather than allowing vehicles to park on any part of the footway.
- 6.4 In London parking on footways and verges is prohibited across all the Boroughs. However, Councils have the power to exempt certain streets from the regulations to enable drivers to park either partially or fully on the footway to maintain the safe flow of traffic. In other parts of the country there are various approaches taken. These range from formalising parking on footways to

providing hard surfacing verges or creating lay-bys. Although the criteria is often different in all cases the need to maintain sufficient width of unobstructed footway is paramount. Officers have reviewed the various criteria and the draft policy recommended in **Appendix E** reflects the best practice adopted.

JOHN DEEGAN  
Strategic Director for Environment and Economy  
Shire Hall  
Warwick

17th April 2007

## Appendix A of Agenda No

### Environment Overview and Scrutiny Committee - 26th April 2007

#### Review of Parking Policies

#### Policy on Waiting Restrictions

(Approved by Transportation Committee 22nd June 1989)

1. The objectives of the Council's Traffic Management activities are:-
  - (a) To make the most effective use of the existing road network having regard to the competing demands placed upon it.
  - (b) To reduce injury accidents.
  - (c) To minimise delays and congestion on the main road network.
  - (d) To reduce the intrusive effects of traffic on the environment.
2. The control of on street parking by the use of waiting restrictions is one method of seeking to achieve these overall objectives.
3. Most types of traffic management measures require the introduction of a legal Traffic Regulation Order (TRO). These TROs are enforced by the Police and Traffic Wardens, whose resources are limited. The abuse of TROs brings the whole of Traffic Management into disrepute and prejudices the attainment of the Council's objectives. Therefore, great care must be taken to ensure that the TROs which are introduced are compatible with these objectives, will be regarded as reasonable by the "average road user" and be largely self enforcing.

4. Proposals for new waiting restrictions should be considered against the following policy guidelines:-
  - (a) Where injury accidents at actual problem sites can be reduced.
  - (b) Where congestion on important traffic routes can be reduced.
  - (c) Where parking control is essential in association with other measures (e.g. with traffic signals, pedestrian crossings, pedestrian refuges).
  - (d) Where serious disruption of commerce or industry is caused by parked vehicles.
  - (e) Where the route to obvious high fire risk premises (e.g. a hospital or school) would be obstructed.
  - (f) Where major problems in residential areas during the working day are created by commuter/shopper parking but a residents parking scheme does not apply.
5. Waiting Restrictions will also be introduced as an integral part of an approved Residents Parking Scheme.

## **Appendix B of Agenda No**

### **Environment Overview and Scrutiny Committee - 26th April 2007**

#### **Review of Parking Policies**

##### **Traffic Management Policy Residents Parking Schemes**

(Approved by Environment Committee 17th December 1992)

#### **1. Purpose**

- 1.1 The problems caused by commuter or shopper parking in residential streets adjacent to town centres and other locations, such as railway stations, have long been recognised both nationally and locally. Various measures have been used in the County to attempt to resolve the situation, including a variety of waiting restrictions, but none has been really effective. This has been due mainly to enforcement difficulties and the adverse effects on the residents themselves.

## 2. Policy

- 2.1 The streets shall be located in or adjacent to a town centre or other major commuter/shopper attraction.
- 2.2 The street included shall be predominantly residential in nature.
- 2.3 The streets shall form a group in an identifiable area rather than individual street in isolation.
- 2.4 It should be demonstrated that at least 85% of the available kerbside parking space is regularly occupied by non-residential parkers and also that at least 50% of the properties do not have parking space within the curtilage.
- 2.5 The schemes shall be a “shared scheme” with the streets controlled by an on-street parking order with limited waiting for the general public (the duration of which will be determined by the particular site circumstances relating to the street or area concerned) and unrestricted waiting for vehicles displaying a permit.
- 2.6 Permits will only be available to domestic residents of the street or area and no business permits will be issued.
- 2.7 One “Visitors Permit” may be issued to each household where a member of the household is aged over 60 years and no member of the household has a residents permit.
- 2.8 Issue of permits will be restricted to residents of the streets in which the parking places are located unless it can be shown that the scheme would not be overloaded by the issue of permits in adjacent streets, when justified.
- 2.9 The issue of permits shall be restricted to the keepers of vehicles categorised as cars, light vans or motor cycles.
- 2.10 The number of permit issued per household shall be determined separately for each scheme by considering the conditions applying in the streets concerned.
- 2.11 A charge will be levied for each permit issued to help towards administrative costs. Currently this charge is set at £10 per year but it is intended that it shall be increased as and when required.
- 2.12 The hours of operation of the Residents Parking Scheme will be determined by considering the hours of operation of other limited waiting in the area, if any.
- 2.13 In view of the number of traffic regulation orders which are required for road safety purposes or road improvement schemes, Residents Parking Schemes will of necessity be accorded a low priority but more than on new scheme may be started in any one financial year.  
(Environment Committee 14th October 1993)

**Environment Overview and Scrutiny Committee -  
26th April 2007**

**Review of Parking Policies**

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**Environment Committee 11th May, 1995**

**Report of the Chairman and Party Spokesperson - Parking Bays For  
Disabled Persons**

(Recommendation approved by Environment Committee 11th May 1995)

**Consideration of this matter was deferred at the Committee's 13th April meeting.**

**Local County Councillors**

Not applicable

**Summary**

Report from a meeting between the Chairman, Deputy Chairman and the Party Spokespersons relating to an examination of the Council's policy on parking for disabled persons.

- 1.1 At its meeting on the 7th July 1994, the Committee considered the report attached as Appendix 1\* and approved the recommendation set out at the end of the report. Subsequently, on 18th August the Committee resolved that the Chairman, Deputy Chairman and the Party Spokespersons or their representatives examine the Council's policy in relation to parking for disabled persons and report back to a future meeting. (\*Appendix not attached).
- 1.2 The group has met and has reviewed the general policy and the specific request from the resident in Leamington Spa referred to in paragraph 3 of the report that was considered by the Committee in July.

**The General Policy**

- 2.1 The following general provisions apply to orange badge holders:-
  - (1) They may park where waiting is prohibited (i.e. where there are double or single yellow lines) for up to 3 hours.
  - (2) Where there is a limited waiting they may park for any length of time.

- (3) Where there is a residents parking scheme they may again park for any length of time without the need for a permit.
- 2.2 In addition to the above, disabled persons may park for any length of time in a disabled parking bay. These are bays provided for exclusive use of orange badge holders. It is the policy of the Council to provide bays where there is a demand for reserved parking for orange badge holders in general such as post offices, libraries and town centres. We have made enquiries of the six adjoining counties. All adopt the same policy in this respect.
- 2.3 In addition to formal parking bays, a practice has evolved in providing an unofficial parking bay for the use by a disabled person outside his/her residence in those streets where there is no other Traffic Regulation Order in force. These bays are distinguished by a white "St Andrews Cross" on the carriageway. They have no legal force but experience shows that they are generally respected.
- 2.4 There is generally no difficulty where there are no existing orders in force. The problem arises where there are existing orders imposing waiting restrictions. The road markings have to be made in accordance with the order. In order to provide a disabled persons parking bay a specific order would have to be made and the existing order amended. This involves advertising the proposal, considering representations, making the order and advertising that the order has been made. If an order is made it would be difficult to ensure that it could only be made available for a particular disabled person. If the disabled person were to move residence, consideration would need to be given to revoking the order and re-instating the original waiting restrictions. This would involve the same process as that outlined above.
- 2.5 We have considered the possibility of stipulating in future orders that the Council may provide one bay anywhere in the length of street affected by the order at its discretion but have been advised that this is not legally possible.
- 2.6 As stated above, we have made enquiries of the six adjoining counties. The results of these enquiries are shown at Appendix 2\* It will be seen that, three counties do not provide bays at all (other than in those locations mentioned in paragraph 2.2 above), although one of these is considering a trial scheme for unofficial bays similar to the practice adopted in Warwickshire. In the remaining three counties unofficial bays are provided in the same way as Warwickshire but at a charge. To the extent that Warwickshire does not make a charge for unofficial bays the practice in Warwickshire would appear to be more beneficial than in the other counties.
- 2.7 It will be observed from Appendix 2\* that in only one case (Gloucestershire) is a bay provided where there is an existing order in force. There is however a three year waiting list. This is probably the result of the need for observing the procedures outlined in paragraph 2.4 above. It will be seen that the bays that are provided are not available for the exclusive use of a particular orange badge holder. (\*Appendix not attached).



- 2.8 In the report that was considered by the committee in July it was mentioned that new Traffic Signs Regulations were expected. These have been made but they do not alter the situation.
- 2.9 Having examined the matter we have reluctantly come to the conclusion that we should not recommend any change in our existing policy.

### 3. The Specific Request

We have examined the specific request from the resident in Leamington Spa against the background of the general policy and considered whether the circumstances would justify an exception to that policy. We have borne in mind the fact that there are over 10,000 individual orange badge holders in the county. Whilst many will not live in streets affected by waiting restrictions or may have their own off-street parking facilities, there will be a proportion who are affected by existing waiting restrictions. In the case of the Leamington resident there is a length of road within a residents parking scheme where waiting is restricted for non-residents for two hours (no return in 4 hours) between Monday and Saturday (9am to 5pm). As an orange badge holder the resident is entitled to park at any time in this length without the usual annual payment of £10 for a permit. In the remainder of the street, waiting is prohibited at any time. An orange badge holder is entitled to wait on these lengths for up to three hours. We recognise that this is not an ideal provision but we have concluded that an exception should not be made to the general policy if that policy is re-affirmed by the committee as we recommend.

#### WE RECOMMEND:-

1. That the Committee re-affirms its policy of not providing official disabled parking bays at the home of a particular disabled person but continues to provide them for the use of orange badge holders generally as indicated in paragraph 2.2 of our report.
2. That the Council continues to provide unofficial bays in the circumstances outlined in paragraph 2.3.
3. That the resident referred to in the above report be informed that her request for a parking bay has been reviewed but that it has been reluctantly concluded that it would not be appropriate for the Council to depart from its general policy.

**Environment Overview and Scrutiny Committee -  
26th April 2007**

**Review of Parking Policies**

**Footway Parking – Legal Position**

**1. Position where no Double or Single Yellow Lines have been placed along the Edge of the Carriageway.**

- 1.1 In these circumstances parking on the footway is not an offence, unless the vehicle is a heavy goods vehicle (S19 Road Traffic Act 1988).
- 1.2 It is an offence to drive on a footway but enforcement remains the responsibility of the police.
- 1.3 To ban footway parking – a Traffic Regulation Order (TRO) is required (see below).
- 1.4 To permit footway parking – as parking on the footway is not an offence, a parking order permitting footway parking where there are no yellow lines on the carriageway is only necessary where there is a need to control this, i.e. parking permitted at specified times only or by resident permit holders or for a fee etc.

**2. Position where Double or Single Yellow Lines have been placed along the Edge of the Carriageway**

- 2.1 Yellow lines apply to the carriageway from the kerb to the centre of the road, the footway and any verge.
- 2.2. Where a double yellow line has been placed along the edge of the carriageway in accordance with a TRO, parking on the footway is an offence.
- 2.3. Where a single yellow line has been placed along the edge of the carriageway in accordance with a TRO, parking on the footway is an offence but only if the TRO is breached, i.e. if the vehicle is parked for longer than the permitted waiting period or outside of the permitted waiting hours etc.
- 2.4 Contravention of a TRO is an offence. Where this contravention occurs in an area which has decriminalised parking, this is dealt with by the parking attendants. Where the contravention occurs in an area which has not yet been decriminalised, the responsibility for enforcement lies with the police.

### **3. Banning Footway Parking**

3.1 It is possible to introduce a ban on footway parking by making a Traffic Regulation Order prohibiting this under S1 Road Traffic Regulation Act 1984. There are numerous grounds which may apply including:-

- (a) Avoiding danger to persons or traffic using the road.
- (b) Preventing damage to the road.
- (c) Facilitating the passage of other vehicles/pedestrians on the road.

(N.B “road” is defined in the Road Traffic Regulation Act 1984 as any length of highway in England and Wales or any other road to which the public has access)

3.2. Contravention of a TRO is an offence – this would be enforceable by the police in areas where parking has not yet been decriminalised and enforceable by parking attendants in areas where parking has been decriminalised.

### **4. Permitting Footway Parking**

4.1 Where a TRO has been made banning all footway parking – an exemption to the TRO would be needed to be included in order to permit footway parking in certain locations.

4.2 Where a TRO has been made restricting or prohibiting waiting (double or single yellow lines) – an exemption to the TRO would again be needed to allow vehicles to park legally on the adjacent footway.

4.3 In all circumstances, where footway parking needs to be controlled – i.e. by time limitations, permit schemes, charges etc - a parking order would be needed to cover this.

4.4 In all other circumstances – no order specifically permitting footway parking appears necessary.

### **5. Summary of Enforcement**

5.1 In a Decriminalised Parking Area:-

- (i) Heavy commercial vehicles parked on the footway – enforceable by parking attendants.
- (ii) Parking on footway by other vehicles where no TRO – not enforceable by parking attendants but could be enforced by police (or possibly WCC) if the parking constitutes an obstruction.
- (iii) Contravention of a of TRO banning footway parking – enforceable by parking attendants.

- (iv) Contravention of a TRO imposing waiting restrictions – enforceable by parking attendants.
- (v) Driving on a footway – enforceable by police.

5.2 In a Non-Decriminalised Parking Area:-

- (i) All enforcement is carried out by the police.

## Appendix E of Agenda No

### Environment Overview and Scrutiny Committee - 26th April 2007

#### Review of Parking Policies

##### Draft Parking Policies

The following policies set out the general approach of the County Council. However, each case will be considered according to its particular circumstances to see if an exception is required.

#### 1. Waiting Restrictions

1.1 The control of on-street parking by the use of waiting restrictions is one method of seeking to achieve the following objectives:-

- (i) Making the most effective use of the existing road network having regard to the competing demands placed upon it.
- (ii) The reduction of road accident casualties.
- (iii) Minimising delays and congestion on the main road network.
- (iv) Reducing the intrusive effects of traffic on the environment.

1.2 Proposals for new waiting restrictions should be considered against the following policy objectives:-

- (i) Where injury collisions at actual problem sites can be reduced,
- (ii) Where congestion on important traffic routes can be reduced.
- (iii) Where parking control is essential in association with other measures (e.g. with traffic signals, pedestrian crossings, pedestrian refuges).
- (iv) Where serious disruption of commerce or industry is caused by parked vehicles.

- (v) Where time limited restrictions are necessary to support the economic viability of an area.
- (vi) Where the route to obvious high fire risk premises (e.g. a hospital or school) would be obstructed.
- (vii) Where they are an integral part of an approved Residents Parking Scheme.
- (viii) Where major problems in residential areas during the working day are created by commuter/shopper parking but a residents parking scheme does not apply.

## **2. Residents Parking Schemes**

- 2.1 Residents Parking Schemes are intended to deal with the problems caused by commuter or shopper parking in residential streets adjacent to town centres and other locations, such as railway stations.
- 2.2 Proposals for new residents parking schemes should be considered against the following policy guidelines:-
- (i) The streets should be located in or adjacent to a town centre or other major commuter/shopper attraction.
  - (ii) The streets included shall be predominantly residential in nature.
  - (iii) The streets shall form a group in an identifiable area rather than individual streets in isolation.
  - (iv) It should generally be demonstrated that the majority of the available kerbside parking space is regularly occupied by non-residential parkers and also that a significant number of the properties do not have parking space within the curtilage.
  - (v) The schemes shall be a “shared scheme” in which permits allow parking anywhere within the group of streets forming part of the scheme.
  - (vi) The streets shall be controlled by an on-street parking order with limited waiting for the general public (the duration of which will be determined by the particular site circumstances relating to the street or area concerned) and unrestricted waiting for vehicles displaying a permit.
  - (vii) The hours of operation of the Residents Parking Scheme will be determined by considering the hours of operation of other limited waiting in the area, if any.

2.3 The issue of residents permits will be subject to the following principles:-

- (i) Permits shall be restricted to the keepers of vehicles categorised as cars, light vans or motor cycles.
- (ii) Permits will be available to domestic residents of the street or area.
- (iii) The number of permits issued per household shall be determined separately for each scheme by considering the conditions applying in the streets concerned.
- (iv) A "Visitors Permit" may be issued to each household.
- (v) The issue of permits will be restricted to residents of the streets in which the parking places are located unless it can be shown that the scheme would not be overloaded by the issue of permits to residents in nearby streets, when justified.
- (vi) A charge will be levied for each permit. The amount will be based on the costs or anticipated costs of administering the scheme and may be varied as required.

2.4 Permits may be issued in other circumstances as follows:-

- (i) Registered Guest Houses
- (ii) Carers
- (iii) For the customers of established garage businesses

### **3. Parking Bays for Disabled People**

- 3.1 Formal parking bays for disabled people, with time limited waiting if required, will be provided where there is a demand for reserved parking for blue badge holders in general such as post offices, libraries and other public buildings and in town centres.
- 3.2 Formal parking bays for blue badge holders in residential areas subject to waiting restrictions will be provided subject to a demonstrated need, the normal process for a Traffic Regulation Order and that the costs of providing the facility including the estimated cost of removing a bay are met by the applicant.
- 3.3 Informal parking bays will continue to be provided for the use of a disabled person outside his/her residence where there is no TRO in force and at a cost to the applicant. The current charge is £80 and is based on the estimated administration and works cost. This charge may be reviewed and amended to reflect changes in cost by the Strategic Director for Environment and Economy.

## 4. Footway Parking

- 4.1 The County Council will, whenever possible and within existing budgets, take action to prevent or discourage the parking of motor vehicles on footways.
- 4.2 No requests to formalise parking either wholly or partly on a footway will be considered:-
- (i) On roads in shopping and other busy pedestrian areas.
  - (ii) Outside schools, play areas, libraries, hospitals, health centres and residential homes for the elderly or other places of public assembly.
  - (iii) Any road where vehicles would have to park on a grass verge.
  - (iv) On any footway which is paved with materials likely to be damaged by vehicles or where the height of kerbs is greater than 80mm.
  - (v) Where there is sufficient carriageway parking in a residential area to meet the normal demand or where residents can provide off-street parking but have chosen not to do so, or do not use existing off-street parking places for a variety of reasons not considered acceptable on highway, traffic or amenity grounds.
- 4.3 Requests to formalise parking either partly or wholly on a footway in a residential area will be considered against the following policy guidelines:-
- (i) The footway parking is necessary to provide sufficient parking spaces to make a residents parking scheme viable and footway parking is already taking place.
  - (ii) The parking of vehicles wholly within the carriageway would compromise the carriageway width available for emergency services or refuse collection vehicles or other regular users of the road.
  - (iii) A minimum footway width of 1.5 metres must generally be available for pedestrians. However, this could be reduced to 1.2 metres at some pinch points.